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OCT 0 3 2008

Practitioner's Docket No. 2002DE141

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ruediger WINTER, et al.

Attorney Docket: 2002DE141

Serial No.:

10/532,565

Art Unit:

1793

Filed:

April 22, 2005

Examiner:

Abu Ali, S.

For:

Method And Device For Carrying Out Chemical And Physical Methods

CERTIFICATION OF FACSIMILE TRANSMISSION

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office (Fax No.: 1-571-273-8300) on the date shown below:

- 1. Petition To Withdraw Holding Of Abandonment Response To Office Communication Not Received (2 pages)
- 2. Response To Notice Of Non-Compliant Amendment (37CFR 1.121) (5 pages)
- 3. Office Action (Notice of Non-Compliant) Mailed Date December 6, 2007 (2 pages)
- 4. Declaration Of Jackie L. Wise (1 page)
- 5. Daily Journal November 30, 2007 Through January 16, 2008 (5 pages)
- 6. Declaration Of Vicki L. Sgro (1 page)
- 7. Notice of Abandonment Mail Date August 18, 2008 (2 pages)

Total Pages including Certification of Transmission:

19

Vicki L. Saro:⁽

Date: October 3, 2008

OCT 0 3 2008

Practitioner's Docket No. 2002DE141

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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METHOD AND DEVICE FOR CARRYING OUT CHEMICAL AND PHYSICAL

METHODS

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT RESPONSE TO OFFICE COMMUNICATION NOT RECEIVED

- 1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received.
- 2. I hereby state:
 - The Office Action indicated, as mailed on December 6, 2007 was not received.
 - ь. A search of the file jacket and the docket records in my office indicates that this Office Action was not received.
- 3. I attach a copy of the docket record where the non-received Office Action would have been entered had it been received.

10/06/2008 HMARZI1 00000003 032060 10532565 01 FC:1462 400.00 DA

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a) and 1.10

I hereby certify that this correspondence is, on the date shown below, is being transmitted by facsimile to Centralized Facsimile Number, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450-Fax No. 571-273-8300 (2 pages)

Date:

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Petition to Withdraw Holding of Abandonment-Office Action Not Received-page 1 of 2 © 2006 Matthew Bender & Company, Inc., a member of the LexisNexis Group.

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OCT 0 3 2008

Page 2 Serial No.: 10/532,565 Ruediger WINTER, et al.

- 4. As additional evidence of non-receipt of the Office Action, I also attach:
 - a. Declarations from Vicki Sgro and Jackie Wise who would have handled the Office Action had it been received. Such Declarations have been attached hereto. Copies of mail records that would disclose the receipt of other correspondence mailed from the PTO on or about the mail date of the non-received Office Action that fail to disclose the receipt of the Office Action mailed on that date.
- 5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.
- 6. Upon receipt of the Notice of Abandonment, the undersigned's Paralegal obtained a copy of the subject Office Action. Therefore, attached hereto is an Amendment to the Outstanding Office Action.
- 7. The petition fee(37 C.F.R \S 1.17(f) \$400.00) is paid as follows:
- 8. In view of the above facts, I do not believe that a fee is necessary, however, if the undersigned is incorrect, the Commissioner is hereby authorized to charge deposit account 03-2060. The Commissioner is also authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

Date: //\ ^

Reg. No.: 36,277 Tel. No.: 704-331-7156

Customer No.: 25,255

Signature of Practitioner Richard P. Silverman Clariant Corporation

Intellectual Property Department

4000 Monroe Road Charlotte, NC 28209

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12/06/2007

CLARIANT CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 4000 MONROE ROAD CHARLOTTE, NC 28205

Paper No.

Application No.:	10/532,565	Date Mailed:	12/06/2007
First Named Inventor:	Winter, Ruediger,	Examiner:	ABU ALI, SHUANGYI
Attorney Docket No.:	2002DE141	Art Unit:	1793
Confirmation No.:	6714	Filing Date:	04/22/2005

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

PTO-90c (Rev.08-06)

Notice of Non-Compliant Amendment (37-CFR-1-121)	Application No. 10/532,565	Applicant(s) WINTER ET AL.		
(37 C1 1.121)		Art Unit 1700		
- The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address		
The amendment document filed on <u>27 November</u> , <u>2007</u> is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.				
THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT: 1. Amendments to the specification: A. Amended paragraph(s) do not include markings. B. New paragraph(s) should not be underlined. C. Other				
 2. Abstract: A. Not presented on a separate sheet. 37 CFR 1.72. B. Other 				
 3. Amendments to the drawings: A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d). 				
 B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required. C. Other 				
 4. Amendments to the claims: A. A complete listing of all of the claims is not present. B. The listing of claims does not include the text of all pending claims (including withdrawn claims) C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended). D. The claims of this amendment paper have not been presented in ascending numerical order. E. Other: claim 12 status identifier is incorrect because of markings. 				
5. Other (e.g., the amendment is unsigned or no of the amendment format required by 37 CFR 1.121,	t signed in accordance with 37 C see MPEP § 714.	FR 1.4): For further explanation		
 TIME PERIODS FOR FILING A REPLY TO THIS NOTICE: Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted. 				
 Applicant is given one month, or thirty (30) days, while correction, if the non-compliant amendment is one of (including a submission for a request for continued examendment filed within a suspension period under 37 Quayle action. If any of above boxes 1 to 4 are check non-compliant amendment in compliance with 37 CFF 	the following: a preliminary amer tamination (RCE) under 37 CFR CFR 1.103(a) or (c), and an am ed, the correction required is only	ndment, a non-final amendment 1.114), a supplemental endment filed in response to a		
Extensions of time are available under 37 CFR 1 amendment or an amendment filed in response to Fallure to timely respond to this notice will result Abandonment of the application if the non-comfiled in response to a Quayle action; or Non-entry of the amendment if the non-complia amendment.	a <i>Quayle</i> action. in: pliant amendment is a non-final	amendment or an amendment		
Legal Instruments Examiner (LIE), if applicable Felicia Alle	en-Jenkins Telep	hone No: <u>571-272-0986</u>		

PTOL-324 (04-06)

Notice of Non-Compliant Amendment (37 CFR 1.121)

Part of Paper No. 20071205-2

OCT 0 3 2008

Practitioner's-Docket-No.2002DE141

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ruediger WINTER, et al.

Attorney Docket: 2002DE141

Serial No.:

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Art Unit:

1793

Filed:

April 22, 2005

Examiner:

Abu Ali, S.

For:

Method And Device For Carrying Out Chemical And Physical

Methods

Mail Stop: Petitions Commissioner for Patents Alexandria, VA 22313-1450

DECLARATION OF Jackie L. Wise

- 1. I, Jackie L. Wise, have been employed by Clariant Corporation as a legal assistant since July 1999.
- 2. I am responsible for opening incoming mail, stamping the date received on each, and writing the mail received by the office in a daily journal. A copy of the journal pertaining to the time period starting November 30, 2007 through January 16. 2008 is attached. There is no record of receiving the office action dated December 6, 2007 in the above matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: __

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a) and 1.10

I hereby certify that this correspondence is, on the date shown below, is being transmitted by facsimile to Centralized Facsimile Number. Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, Fax No. 571-273-8300 (/_pages)

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PAGE 15/19 * RCVD AT 10/3/2008 1:04:33 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/8 * DNIS:2738300 * CSID:7043317707 * DURATION (mm-ss):08-54		ortered.	U'	-

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Practitioner's Docket No.2002DE141

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ruediger WINTER, et al.

Attorney Docket: 2002DE141

Serial No.:

10/532,565

Art Unit:

1793

Filed:

April 22, 2005

Examiner.

Abu Ali, S.

For:

Method And Device For Carrying Out Chemical And Physical

Methods

DECLARATION OF VICKI L. SGRO

- 1. I, Vicki Sgro, have been employed by Clariant Corporation as a paralegal since January 4, 2000.
- 2. I am responsible for docketing Office Actions in our patent docketing system.
- 3. On August 18, 2008, I received a Notice of Abandonment in the above-identified application. The Abandonment mentioned an Office Action dated 06 December 2007.
- 4. Upon review of the patent database, it was determined that I did not receive the Office Action dated 06 December 2007. My procedure is to docket the Office Action upon receipt and give to our legal assistant, Jackie Wise, for reporting to our colleagues in Sulzbach, Germany. The action was not in our database and after review of the application it was determined that the office action was not located in the file.
- 5. It is my belief that I did not receive the office action in my office to docket in connection with the above-identified application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

Signature

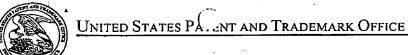
CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a) and 1.10

I hereby certify that this correspondence is, on the date shown below, is being transmitted by facsimile to Centralized Facsimile Number, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, Eax No. 571-273-8300 (/ pages)

Vicki L. Sgro

Date:

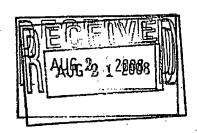
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/532,565	04/22/2005	Ruediger Winter	2002DE141	6714
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



·	Application No.	Applicant(s)			
	10/532,565	WINTER ET AL.			
Notice of Abandonment	Examiner	Art Unit			
	SHUANGYI ABU ALI	1793			
The MAILING DATE of this communication a					
This application is abandoned in view of:					
·		_			
Applicant's failure to timely file a proper reply to the Office letter mailed on <u>06 December 2007</u> . (a) A reply was received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply (including a total extension of time of month(s)) which expired on					
(b) A proposed reply was received on but it do					
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).					
(c) A reply was received on but it does not cons final rejection. See 37 CFR 1.85(a) and 1.111. (See		mpt at a proper reply, to the non-			
(d) 🗵 No reply has been received.	•				
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).					
(a) The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the statutory period for payment of the Issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).					
(b) The submitted fee of \$ is insufficient. A balance of \$ is due.					
The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$					
(c) ☐ The issue fee and publication fee, if applicable, has not been received.					
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).					
(a) Proposed corrected drawings were received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply.					
(b) No corrected drawings have been received.					
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.					
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.					
6. The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.					
7. The reason(s) below:		- 1			
sa	/Michael A Marcheschi/				
	Primary Examiner, Art Unit	1793			
Petitions to revive under 37 CFR 1 137(a) or (b), or requests to with:	iraw the holding of abandonment under 37 C	CFR 1.181, should be amountly filed to			
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.					
U.S. Patent and Trademark Office PTOL-1432 (Rev. 04-01) Notice	of Abandonment	Part of Paper No. 20080811			